

60,469-055
OT-4994REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Applicant has amended claim 1 to incorporate the limitations of claim 22. Claims 22 and 27 are cancelled. New claim 28 is presented. Claim 28 does not present any new issues because it presents the language of previously presented claim 4 in independent form. Claims 1-21 and 23-27 are still pending in this application. Applicant respectfully requests reconsideration of this application.

The rejections of claim 1 and all of its dependent claims are now moot in view of the indication of allowable subject matter. Claims 5-9 should now be considered and allowed.

Applicant respectfully traverses the rejection of claims 13-16, 19 and 23 based up *Schmidt*. *Schmidt* does not disclose an extruded socket portion, nor any extruded wedge portion. It is impossible to achieve the configurations of the components of *Schmidt* using an extrusion process where material is forced through a die so that it has an essentially continuous cross-section across the entire part. It is a wholly improper reading of the *Schmidt* reference to interpret it as disclosing an extruded part.

Additionally, *Schmidt* does not show oppositely facing engaging surfaces on a socket portion where a portion of the elongated load bearing member is received between the engaging surfaces of the socket portion and the wedge portion. Even if the Examiner's interpretation of the walls inside the socket housing assembly 11 were correct, there is no engagement between those walls and the cable 62 of *Schmidt*. This is apparent from Figure 4, for example, where the sidewalls are spaced a considerable

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distance from the cable. The outside dimension of the cable is even less than the outside dimension of the saddle portion 14, which is received between the walls 20 of the socket housing assembly 11. Without any engagement, there is no possible anticipation.

Applicant respectfully traverses the rejection of claims 13-18 and 27 as being anticipated by *Brendal*. These claims each include an extruded socket portion and an extruded wedge portion. *Brendal* does not teach an extrusion. The pressing, punching or casting techniques described by *Brendal* are not extrusion processes. It is impossible to obtain a device having the pieces taught by *Brendal* using an extrusion process. Therefore, none of those claims are anticipated.

Applicant respectfully traverses the rejection under 35 U.S.C. §102(b) of claim 26 based upon *Brendal*. Claim 26 recites an arrangement where the brace member has an opening through at least one sidewall and the wedge portion has an opening, "the openings being situated such that a tool can be received into the openings and utilized to manipulate the wedge portion relative to the brace." This arrangement cannot be anticipated by the *Brendal* reference. When the breechblock 12 of *Brendal* is positioned as shown in Figure 3, the curved surface 14 engages the carrier bolt 11 such that the wedge 9 is pulled down as tight as possible into position within the clamping jaws. Accordingly, the wedge cannot be moved down any further. The curved surface 14 engages the carrier bolt 11 such that the wedge cannot be manipulated in an opposite upward direction according to Figure 3. It follows that the openings 10 and "14" cannot be situated to allow a tool to pass through the openings to manipulate the wedge relative to the breechblock 12. The only manipulation would be possible if the breechblock were

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moved into a position as shown in Figures 1 or 2, but then they are no longer "situated" as required by the claim language. There is no anticipation of claim 26.

Applicant again traverses the rejection under 35 U.S.C. §103 of claim 26. As previously pointed out, there is no benefit to making the combination and, therefore, no *prima facie* case of obviousness. Without a benefit there is no motivation and the claims cannot be considered obvious. Applicant respectfully urges the Examiner to reconsider his position and to have the Examiner's supervisor evaluate this point because Applicant does not want to unnecessarily have to appeal this §103 rejection where no *prima facie* case of obviousness can be established.

Applicant further traverses the rejection under 35 U.S.C. §103 of claim 17 on the basis that even if the combination could be made, the result is not the same as the claimed invention. The improper combination does not provide an arrangement having an extruded socket and an extruded wedge as pointed out above. Accordingly, claim 17 cannot be considered obvious.

New claim 28 cannot be considered anticipated by *Schmidt* or *Brendal* because it includes a wedge and socket that each have a constant cross-sectional profile. There is not a single piece in the *Schmidt* or *Brendal* reference that satisfies this claim language. Considering the example of Applicant's Figure 5, from that view no matter where one takes a cross-section of the wedge or the socket, the cross-sectional profile is the same. That cannot be done from any angle for the components of the *Schmidt* and *Brendal* references. Claim 28 is allowable. Claim 28 does not present any new issues because it presents the language of previously presented claim 4 in independent form.

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Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

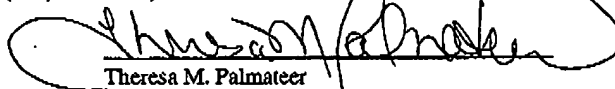
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Dated: November 4, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to Examiner Ryan M. Flandro, Patent and Trademark Office (Fax No. (703) 872-9327) on November 4, 2004.


Theresa M. Palmateer

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